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*Attorneys for Actavis Pharma, Inc.,
Actavis LLC, improperly named as Actavis, LLC,
Teva Pharmaceuticals USA, Inc., and specially appearing Teva Pharmaceuticals Industries Ltd.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

COUNTY OF MONMOUTH, OHIO CARPENTERS'
HEALTH FUND, JACQUELINE HARRIS, and CARLA
MAJOR, individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

APOTEX INC., APOTEX CORP., LUPIN
PHARMACEUTICALS, INC., LUPIN LTD.,
NOSTRUM LABORATORIES, INC., NOSTRUM
PHARMACEUTICALS, LLC, CVS HEALTH
CORPORATION, RITE-AID CORPORATION, TEVA
PHARMACEUTICAL INDUSTRIES LTD., TEVA
PHARMACEUTICALS USA, INC., ACTAVIS
PHARMA, INC., ACTAVIS, LLC, EMCURE LTD.,
HERITAGE PHARMACEUTICALS, INC d/b/a AVET
PHARMACEUTICALS INC., GRANULES USA, INC.,
AMNEAL PHARMACEUTICALS, INC., AMNEAL
PHARMACEUTICALS LLC, AVKARE, INC., ALKEM
LABORATORIES LTD., ASCEND LABORATORIES,
LLC, JOHN DOES 1-100,

Defendants,

Case No. 2:23-cv-21001
(MCA-MAH)

**STIPULATION AND PROPOSED
VOLUNTARY DISMISSAL ORDER**

Filed Electronically

WHEREAS, on October 9, 2023 Plaintiffs filed their Class Action Complaint (“Complaint”) in the above-captioned action (ECF No. 1),

WHEREAS, the Complaint names several defendants including, specially appearing Teva Pharmaceutical Industries, Ltd. (“Teva Ltd.”), as well as Teva Pharmaceuticals USA, Inc. (“Teva USA”), Actavis Pharma, Inc. (“Actavis Pharma”), and Actavis LLC, improperly named as Actavis, LLC (“Actavis LLC”) (collectively, “Teva domestic subsidiaries”);

WHEREAS, the undersigned counsel for Plaintiffs, Teva Ltd., Teva USA, Actavis Pharma, and Actavis LLC (collectively “the Parties”) have conferred as to the continued presence of Teva Ltd. in the above-caption action and hereby stipulate, subject to the approval of the Court, to dismiss without prejudice the Complaint filed by Plaintiffs against Teva Ltd. in this action pursuant to Fed. R. Civ. P. 41(a)(2), subject to the following conditions, and with the action continuing against the Teva domestic subsidiaries:

1. Teva Ltd. stipulates that the Teva domestic subsidiaries that are named defendants in the above-captioned action can satisfy a judgment entered in this matter against the Teva domestic subsidiaries.

2. Teva Ltd. and the Teva domestic subsidiaries stipulate that to the extent any of Teva Ltd. documents, witnesses, or other information are relevant to this litigation, such materials are in the Teva domestic subsidiaries custody and control for purposes of discovery in this lawsuit.

3. Pursuant to paragraph 2 above, Teva Ltd. and the Teva domestic subsidiaries agree that any discovery requests directed to the Teva domestic subsidiaries, including Production Requests, Admission Requests, and Interrogatories, will be understood and interpreted as seeking discovery/responses, subject to any objections, from the Teva domestic subsidiaries and Teva Ltd. The Teva domestic subsidiaries will respond to discovery requests for information in the possession, custody, or control of the Teva domestic subsidiaries and Teva Ltd., subject to any objections, including requests for deposition testimony, and will not raise issues of documents or witnesses being in the possession, custody, or control of only Teva Ltd. as a basis for not producing them.

4. If the parties agree that a Teva Ltd. employee is a necessary fact witness, the witness will be made available for deposition upon notice to the Teva domestic subsidiaries, without the need for: (a) service of subpoenas; or (b) if located outside the United States, adherence to the procedures of The Hague Convention or other methods of foreign service. The Teva domestic subsidiaries will accept Rule 30(b)(6) deposition notices containing topics directed to information that may be held by Teva Ltd., and the witness presented in response thereto, subject to any objections, shall investigate information in the possession, custody, or control of Teva Ltd. if necessary to prepare for the noticed topics. If the parties disagree as to whether the Teva Ltd. employee is a necessary fact witness, then the parties shall present the matter to the Court for resolution. The Teva domestic subsidiaries will not use as a basis for objecting to any deposition notice of a Teva Ltd. employee served by Plaintiffs the fact that: (i) an individual is an employee of Teva Ltd.; (ii) Teva Ltd. is not a party to this action; (iii) Plaintiffs did not serve a third-party subpoena for the noticed individual or entity; (iv) Plaintiffs did not adhere to the procedures of the Hague Convention or other methods of foreign service/discovery; or (v) that the Court lacks

personal jurisdiction over Teva Ltd. In the event that the Court orders that the deposition of the Teva Ltd. employee shall be taken, then the Teva Ltd. employee will be made available for deposition pursuant to the Court's Order, without requiring that Plaintiffs adhere to the procedures of The Hague Convention.

5. The Court retains jurisdiction over Teva Ltd. for the limited purpose of enforcing the terms of this stipulation.

6. This stipulation does not constitute a waiver of any objection or defense, including any jurisdictional defenses, to, or any privilege or immunity from, the provision of discovery otherwise available to parties to an action under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or any other applicable authority.

SO STIPULATED on this 16th day of January, 2024.

s/Ruben Honik

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specially appearing Teva Pharmaceuticals
Industries Ltd.*

SO ORDERED on this 18 day of Jan, 2024,



HON. MADELINE COX ARLEO, U.S.D.J.